

Remarks/Arguments:

The pending claims are 54-65.

Claims 54-65 have been rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over at least claims 1-2 of U.S. Patent No. 5,716,365 and over at least claims 1-7 of U.S. Patent No. 6,051,020. The rejection is respectfully traversed.

Claim 54 recites, for example,

wherein a cross-sectional area of the distal orifice when expanded is sufficiently less than that of the proximal end of the at least one distal prosthesis when expanded within the distal orifice so as to form a seal between the proximal and distal prostheses.

None of claims 1-7 of the '020 patent recites the relationship between the cross-sectional area of a distal orifice and that of a proximal end of a distal prosthesis.

Claim 54 also recites, for example,

wherein the proximal prosthesis and the at least one distal prosthesis each comprises an expandable stent and at least one fabric layer over and/or in the expandable stent.

Neither of claims 1-2 of the '365 patent recites these features.

Claim 57 recites, for example

wherein a cross-sectional area of the distal orifice of the proximal prosthesis when expanded is sufficiently less than the sum of cross-sectional areas of the proximal ends of the distal prostheses when expanded within the distal orifice, so as to form a seal with the distal orifice when the distal prostheses are expanded therein.

None of claims 1-7 of the '020 patent and neither of claims 1-2 of the '365 patent recites these features.

Claim 60 recites, for example

wherein the cross-sectional area of the distal orifice of the proximal prosthesis when expanded is sufficiently less than the sum of the cross-sectional areas of the proximal ends of the distal prostheses when expanded within the distal orifice so as to form a seal with the distal orifice when the pair of distal prostheses are expanded therein.

Appln. No.: 10/784,378
Amendment Dated August 8, 2007
Reply to Office Action of April 3, 2007

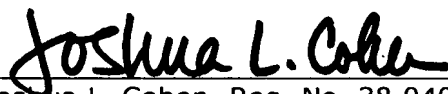
BSI-210US9

None of claims 1-7 of the '020 patent and neither of claims 1-2 of the '365 patent recites these features.

For the above reasons, Applicants request the PTO to reconsider the rejection of claims 54-65 on the grounds of nonstatutory obviousness-type double patenting as unpatentable over at least claims 1-2 of U.S. Patent No. 5,716,365 and over at least claims 1-7 of U.S. Patent No. 6,051,020.

Since the claims in the present application have not been rejected over any prior art, it is respectfully submitted that claims 54-65 are in condition for allowance and an early notice of allowance is respectfully requested.

Respectfully submitted,



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Dated: August 8, 2007

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